

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARISSA MALDONADO, et al.,

Case No. 1:24-cv-00102-SAB

Plaintiffs,

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE ANTHONY JEFF
AND ALICE VALENZUELA AS PARTIES
IN THIS ACTION

CITY OF FRESNO, et al.,

(ECF No. 12)

Defendants.

On April 26, 2024, Plaintiffs filed a notice of dismissal of Defendants Anthony Jeff and Valenzuela pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 12.) Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 693 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice.”).

Defendants Anthony Jeff and Alice Valenzuela have not filed answers or motions for summary judgment in this action. Under Rule 41(a)(1)(A)(i) a “plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i).

Plaintiffs do not indicate whether dismissal is with prejudice. Defendants Anthony Jeff Valenzuela are therefore dismissed without prejudice pursuant to Rule 41(a)(1)(B).

1 Accordingly, the Clerk of the Court is DIRECTED to terminate Defendants Anthony Jeff
2 and Alice Valenzuela as defendants in this action.

IT IS SO ORDERED.

Dated: May 2, 2024

George A. Bae
UNITED STATES MAGISTRATE JUDGE